

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS – Hon'ble A.P.A.T orders dated 04-02-2013 in O.A.No.9033 of 2010 filed by Sri T.Somasekhara Rao, Retired Superintendent, O/o R.D.D., W.D & C.W., Ongole, Prakasam District – Certain irregularities in recruitment of Supervisors on contract basis in Ongole Zone during the year 2003 - Disciplinary proceedings initiated under A.P.C.S [C.C & A] Rules, 1991 – Imposing a penalty of withholding of 5% cut in pension for a period of three years under Rule – 9 of A.P.Revised Pension Rules, 1980 - Orders – Issued.

DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS [ESTT.–A2]

G.O.Rt.No. 31

Dated 25th January, 2014

Read the following:-

01. From the Commissioner, W.D & C.W., A.P., Hyderabad, Lr.No.11110/Vig.1/2003, dated 27-08-2012.
02. G.O.Rt.No.398, W.D,C.W & D.W (Estt.) Dept., dated 08-12-2009.
03. Explanation dated 06-08-2010 submitted by Sri T.Somasekhara Rao, the then Superintendent, O/o R.D.D., W.D & C.W., Ongole, Prakasam District and now retired received vide Commissioner, W.D & C.W., Lr.No.11110/Vig.1/2003, dated 02-09-2010.
04. G.O.Rt.No.142, Dept. for W, C (Estt.A2) Disabled & Sr. Citizens, dt. 30-04-2011.
05. G.O.Rt.No.247, Dept. for W, C, (Estt.A2) Disabled & Sr. Citizens, dt. 12-07-2011.
06. Enquiry Report of Jt.Director (A) Lr.No.4/E0/2011, dated 22-05-2012.
07. Hon'ble A.P.A.T orders dated 04-02-2013 in O.A.No.9033 of 2010 filed by Sri T.Somasekhara Rao, Retired Superintendent.
08. Govt.Memo.No.8730/Estt.A2/2003-29, dated 03-10-2013.
09. Explanation dated 07-11-2013 and further explanation dated 11-11-2013 submitted by the C.O on the enquiry report.
10. Memo.No.8730/Estt.A2-2003-33, dated 18-12-2013.
11. Hon'ble A.P.A.T orders dated 30-12-2013 in O.A.No.677 of 2013 in O.A.No.9033 of 2010.
12. Government D.O.Lr.No.8730/Estt.A2/2003-35, dated 20-01-2014.
13. From Secretary I/c, A.P.P.S.C., Lr.No.207/RT/1/2014, dated 25-01-2014.
14. Hon'ble A.P.A.T orders dated 30-12-2013 in C.A.No.677/2013 in O.A.No.9033/2010.

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ORDER: -

In pursuance of Commissioner, W.D & C.W., A.P., Hyderabad, vide Letter 1st read above, Government in G.O.Rt.2nd read above have initiated disciplinary proceedings under Rule – 20 of A.P.C.S (CC&A) Rules, 1991 and framed the articles of charges in respect of Sri T.Somasekhara Rao, the then Superintendent, O/o R.D.D., W.D & C.W., Ongole, Prakasam District (and now retired) on certain irregularities in recruitment of Supervisors on contract basis in violation of rule of reservation in Ongole Zone during the year 2003.

[P.T.O]

02. In the reference 3rd read above, the Charged Officer had submitted his written statement of defense, denying all the charges framed against him. Subsequently, Sri T.Somasekhara Rao, has retired from service on 31-08-2010, on attaining the age of superannuation. Since the Charged Officer had denied all the charges framed against him, Government in exercise of the powers conferred under sub – rule (2) of Rule – 20 of A.P.C.S (CC&A) Rules, 1991, have appointed Sri P.Suresh, J.D (Admn.), O/o Commissioner, W.D & C.W., as Inquiring authority to inquire the charges framed against the Charged Officer vide G.O.4th read above and Smt.P.Jyothi, Deputy Director, O/o Director, W.D & C.W., was appointed as Presenting Officer vide G.O.5th read above.

03. The Hon'ble A.P.A.T in its orders dated 04-02-2013 in O.A.No.9033 of 2010 filed by the Charged Officer, while allowing the said O.A., have quashed the G.O.Rt.No.398, WDCW & DW (Estt.) Dept. dt.08-12-2009 and directed the respondents to conclude the disciplinary proceedings, pending against the applicant and further directed the applicant to co-operate with the respondents in conclusion of the disciplinary proceedings and if the enquiry is not completed within the period of six weeks, the respondents have been directed to release all the retirement benefits to the applicant within a period of one week. The Commissioner, W.D & C.W., in his Lr. No.50/E3-Legal/2003, dated 10-07-2013 has stated that the Hon'ble APAT has issued 'Corrigendum' dt.12-06-2013 for the order dt.04-02-2013 and the word "Quashed" deleted and ordered that the O.A is allowed.

04. The Enquiry Officer in his report vide reference 6th read above, has concluded that out of the seven charges framed against the Charged Officer, three charges are held proved and one charge (Charge No.5) is not maintainable. The copies of the enquiry report of the Enquiry Officer have been extended to the Charged Officer vide references 8th read above for submission of his further explanations thereon. Sri T.Somasekhara Rao, Retd. Superintendent, has submitted his written statement of defence, vide reference 9th read above.

05. After considering the written statement of defenses submitted by Sri T.Somasekhara Rao, Retd. Superintendent, vide reference 9th read above, Government have provisionally decided to impose a punishment under Rule-9 of the A.P.Revised Pension Rules, 1980 to withhold 5% cut in pension for a period of three years in respect of Sri T.Somasekhara Rao, Retired Superintendent, O/o the R.D.D., W.D & C.W., Ongole, Prakasam District, as there is no merit or new grounds in the further explanation submitted by the Charged Officer and also as the Charges – III, IV, V and VI are held as good.

06. Accordingly, Govt. in Memo.10th read above, have directed the C.O. to show cause as to why the punishment as in Para – 5 above shall not be imposed on him, with in a period of fifteen days from the date of receipt of this notice to Government, for taking further action in the matter and further informed that if no reply is received within 15 days, it will be construed that he has no reply to offer and further action will be taken accordingly. The R.D.D., W.D & C.W., Ongole, had communicated the Show Cause Notice dated 18-12-2013 Sri T.Somasekhara Rao, Retd. Superintendent, on 24-12-2013. The Commissioner, W.D & C.W in his Lr. No.11110/vig.1/2003, dated 10-01-2014 has informed the Government that the C.O. has acknowledged the SCN and the further reply / explanation from him was not yet received, even after lapse of stipulated time.

07. Therefore, Government have decided to impose a punishment under Rule 9 of A.P.Revised Pension Rules, 1980 to withhold 5% cut in pension for a period of three years in respect of Sri T.Somasekhara Rao, Retd. Superintendent, since the Charges –

III, IV, V and VI are held as good and also as the C.O. has not submitted his written statement of defense to the Show Cause Notice issued to him.

08. In the D.O.Lr.12th read above, Government have requested the A.P.Public Service Commission to obtain and communicate the concurrence of the Commission, on the provisional decision taken by the Government in Para – 7 above in order to concluding the disciplinary proceedings pending against the Charged Officer.

09. The Secretary, I/c, A.P.P.S.C., vide reference 13th read above, has informed that the 'Commission' agree with the proposal of the Government to impose a punishment of 5% cut in pension for a period of three years against Sri T.Somasekhar Rao, Retired Superintendent and advised, accordingly.

10. Government after careful examination of the matter, and in exercise of the powers conferred under Rule – 9 of A.P.Revised Pension Rules, 1980 read with Rule – 20 of A.P.C.S (CC&A) Rules, 1991, hereby impose the punishment of 5% cut in pension for a period of three years against Sri T.Somasekhara Rao, Retired Superintendent, O/o R.D.D., W.D & C.W., Ongole, Prakasam District and accordingly concluded the disciplinary proceedings pending against him in compliance of Hon'ble A.P.A.T orders dated 04-02-2013 in O.A.No.9033 of 2010.

11. The Commissioner, W.D & C.W., A.P., Hyderabad, is requested to take necessary further action in the matter, accordingly.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

NILAM SAWHNEY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner, W.D & C.W., A.P., Hyderabad.

Sri T.Somasekhara Rao, Retired Superintendent, O/o R.D.D., W.D & C.W., Ongole,
Prakasam District, through the Commissioner, W.D & C.W., A.P., Hyderabad.

The Accountant – General, Andhra Pradesh, Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to: -

The G.P for M & H (S), A.P.A.T., Hyderabad.

SF / SCs.

// FORWARDED :: BY ORDDER //

SECTION OFFICER